THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.9475 OF 1997

DATED: 24-01-2007

Between:

Nikkonda Amrutha

.. Petitioner

and

A.P. Residential School (Premitive Tribal Group) represented by its Principal, (Karimeri), Head Quarters at Asifabad, Adilabad District and others.

.. Respondents

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ORDER:

This writ petition is filed seeking a mandamus directing the respondents to reinstate the petitioner as Cook with continuity of service, attendant benefits and backwages etc.

It appears, the petitioner was appointed as a Cook in the 1st respondent-school with effect from 03-02-1993 on a consolidated salary of Rs.300/- per month. According to the petitioner, she had put in more than 240 days of continuous service from 03-02-1993 to 08-01-1994 i.e. the day on which her services were orally terminated. Therefore, the termination of services of the petitioner is contrary to the provisions of Section 25-F of the Industrial Disputes Act, 1947 (for short 'the Act'). Since no notice as required under Section 25-F of the Act was issued and no pay in lieu of notice was paid to the petitioner, she approached the Industrial Tribunal-cum-Labour Court, Godavari Khani raising dispute vide I.D.No.6 of 1994 seeking to set aside the oral termination dated 08-01-1994 and for reinstatement with continuity of service, attendant benefits and backwages etc. The Industrial Tribunal-cum-Labour Court at Godavari Khani, by its award dated 11-03-1996, ordered for payment of compensation of Rs.3,600/- in lieu of reinstatement within a month from the date of publication of the award. Aggrieved by the same, the present writ petition is filed.

It appears, the petitioner raised a dispute under

Section 2-A (2) of the Industrial Disputes Act, 1947 challenging the oral termination order dated 08-01-1994. It was stated by the petitioner that she was appointed by the Principal of the School as a Cook with effect from 03-02-1993 and she worked continuously upto 08-01-1994, thus, she had put in continuous service of 240 days and the respondents violated the provisions of the Act.

The respondents filed a counter stating that the petitioner was a part-time sweeper in the store room and she worked for one or two hours per day from 20-09-1993 to 08-01-1994 with breaks. She never worked regularly and never did duties properly. She absconded from duties on her own from 09-01-1994 onwards. The petitioner hardly worked for 92 days in the 1st respondent-school.

After considering the rival contentions, the Tribunal held that the respondents have not produced any material to show that the petitioner worked only for 92 days and perhaps her services were taken as Cook and the respondents have not produced or placed all the documents and remained ex-parte. The Tribunal further held that the petitioner has worked for more than 240 days and, however, came to the conclusion that the petitioner is not entitled to reinstatement and in lieu of reinstatement, compensation of Rs.3,600/- was granted.

In fact, there are no reasons recorded by the Tribunal as to on what basis the petitioner said to have worked for more than 240 days. The respondents have categorically asserted that she worked only for 92 days and gave the

particulars. Nonetheless, the Tribunal gave a finding that the petitioner worked for more than 240 days and awarded a compensation of Rs.3,600/- in lieu of reinstatement.

I am of the opinion that in the facts and circumstances of the case, the petitioner does not deserve any further relief as sought for in this writ petition. Firstly, the Labour Court gave a vague finding that the petitioner had put in 240 days continuous service preceding the date of termination, without there being any basis for the same. Secondly, in such circumstances, granting of compensation in lieu of reinstatement itself is a concession extended to the petitioner. Having not satisfied with the same, the present writ petition is filed. Thus, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly the writ petition is dismissed. There shall be no order as to costs.

C.V. RAMULU, J

24th January 2007.
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